

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD A. McCURDY, JR., et al. : CIVIL ACTION
:
v. : No. 02-3703
:
NET CONSTRUCTION, INC. :

PLAINTIFFS' ANSWER TO DEFENDANT'S COUNTERCLAIM

Plaintiffs, by and through their attorneys, Masterson, Braunfeld & Milner, LLP, hereby respond to the Counterclaim of Defendant, Net Construction, Inc., and aver as follows:

55. Denied as stated. It is admitted that plaintiffs did take actions to exercise and enforce rights pursuant to the Collective Bargaining Agreement. However, due to the lack of specificity in Defendant's Counterclaim, Plaintiffs are without sufficient knowledge or information to respond specifically to the allegations contained in paragraph 55 and therefore they are denied.

56. Denied. By way of further response, due to the lack of specificity in Defendant's Counterclaim, Plaintiffs are without sufficient knowledge or information to respond specifically to the allegations contained in paragraph 56 and therefore they are denied.

57. Denied. By way of further response, due to the lack of specificity in Defendant's Counterclaim, Plaintiffs are without

sufficient knowledge or information to respond specifically to the allegations contained in paragraph 57 and therefore they are denied.

58. It is denied that any of the Fund Plaintiffs took any actions with respect to the Defendant. As to the remaining allegations contained in paragraph 58, Plaintiffs are without sufficient knowledge or information to respond specifically to the allegations contained in paragraph 58 and therefore they are denied.

59. Denied. By way of further response, due to the lack of specificity in Defendant's Counterclaim, Plaintiffs are without sufficient knowledge or information to respond specifically to the allegations contained in paragraph 59 and therefore they are denied. Any actions taken by Plaintiff, Laborers' District Council, were pursuant to and in accordance with the Collective Bargaining Agreement and applicable law.

60. Denied. The applicable Collective Bargaining Agreement specifically permits Plaintiffs, Laborers' District Council, to withdraw or withhold workers in the event of a delinquency.

61. Denied.

WHEREFORE, Plaintiffs hereby demand judgment in its favor and against the Defendant upon Defendant's Counterclaim together

with costs and attorneys' fees.

MASTERSON, BRAUNFELD & MILNER, LLP

By:

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CERTIFICATE OF SERVICE

Nancy L. Goldstein, Esquire, attorney for Plaintiffs, does hereby certify that a true and correct copy of Plaintiffs' Answer to Defendant's Counterclaim was served upon the following:

Timothy R. Hough, Esquire
Jaffe & Hough
1907 Two Penn Center
15th Street and JFK Blvd.
Philadelphia, PA 19102

by first class U.S. mail on October 25, 2002.

MASTERSON, BRAUNFELD & MILNER, LLP

By:

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